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<b>To:</b>	Examiner Kiet Tuan Nguyen USPTO - Group Art Unit 2881	<b>From:</b>	Scott R. Faber
<b>Fax:</b>	571-273-8300	<b>Pages:</b>	21 (including cover sheet)
<b>Phone:</b>		<b>Date:</b>	December 29, 2006
<b>Re:</b>	Petition to Withdraw Holding of Abandonment	<b>cc:</b>	
<b>Docket:</b>	99-029	<b>Serial #:</b>	09/943,625

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**Attached Please Find:**

1. Petition to Withdraw Holding of Abandonment Under 37 CFR § 1.181 Based on Evidence that a Reply was Timely Mailed (3 pages);
2. Transmittal Sheet (1 page);
3. Petition for Extension of Time (1 page);
4. Amendment (14 pages); and
5. copy of Return Receipt Post Card (with date stamp from USPTO) (1 page)

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DEC 29 2006

DOCKET NO: 99-029

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Terence Sean Sullivan et al.  
Serial No: 09/943,625  
Confirmation No: 9283  
Filed: August 30, 2001  
For: METHODS AND APPARATUS FOR TUNING IN  
IMPLANTERS  
Examiner: Kiet Tuan Nguyen  
Art Unit: 2881

**CERTIFICATE OF TRANSMISSION**

The undersigned hereby certifies that this document is being facsimile transmitted to the United States Patent and Trademark Office, Group Art Unit 2881 (Radiant Energy) Examiner Kiet Tuan Nguyen, to fax number 571-273-8300, on this 29th day of December, 2006.

  
Renee Granito

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER  
37 C.F.R. § 1.181 BASED ON EVIDENCE THAT A REPLY WAS TIMELY  
MAILED**

An Office Action was mailed in the above identified matter on September 22, 2004.

Applicants mailed a timely reply with sufficient postage for first class mail on March 22, 2005 to the Commissioner for Patents. The reply included a transmittal sheet,

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Docket: 99-029  
Petition under 37 C.F.R. §1.181

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a Petition for a three month Extension of Time to extend the time for reply to March 22, 2005, and a fourteen page Amendment. A copy of each is enclosed.

Evidence that supports that this reply was timely mailed includes the following.

- 1) A copy of the transmittal sheet with a Certificate of Mailing under 37 C.F.R. §1.8(a) certifying that each of the transmittal sheet, Petition for Extension of Time, and Amendment were mailed with first class postage attached on March 22, 2005.
- 2) A copy of the Petition for Extension of Time to extend the time for response by three months to March 22, 2005. The Petition for Extension of Time includes a Certificate of Mailing under 37 C.F.R. §1.8(a) certifying that the Petition for Extension of Time was mailed with first class postage attached on March 22, 2005.
- 3) A copy of a fourteen page Amendment in response to the Office Action mailed September 22, 2004. The Amendment includes a Certificate of Mailing under 37 C.F.R. §1.8(a) certifying that the Amendment was mailed with first class postage attached on March 22, 2005.
- 4) The image files on the USPTO's Public Patent Information Retrieval (PAIR) system include copies of 1-3 above indicating receipt of the same by the USPTO. A copy of a return receipt postcard with a date stamp of March 24, 2005 also indicates receipt by OIPE of the USPTO.

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Accordingly, Applicants respectfully submit that the holding of abandonment be withdrawn based on the above evidence that a reply was timely filed on March 22, 2005 to the Office Action mailed September 22, 2004.

Applicants' patent application file and docketing system did not indicate receipt of the Notice of Abandonment. Applicants' representative, Scott Faber, first became aware of the Notice of Abandonment within two months from the mailing of this Petition when checking status for the above referenced application on the USPTO's Public PAIR system.

Respectfully submitted,  
*Terence Sean Sullivan et al.,*  
Applicants

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